

Item No 3

Minutes of the Meeting of the
TYNE AND WEAR FIRE AND
RESCUE AUTHORITY held in the
Fire and Rescue Service
Headquarters, Barmston Mere on
MONDAY 18 NOVEMBER 2019 at
10.30am.

Present:

Councillor Taylor in the Chair

Councillors Butler, Forbes, Flynn, Haley, Hunter, Oliver, Samuels, Stephenson and Woodward together with Ms. C.K. McGuiness (PCC)

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Burdis, Dodds, Duggan, Kilgour, Pickard and Purvis.

Variation of Order of Business

The Chairman referred to Item 4 on the Agenda relating to 'Meritorious Conduct – Fire and Rescue Authority Award,' and reported that it was proposed to bring the item forward as the first item of business.

38. RESOLVED that approval be given to vary the order of business on the agenda accordingly.

Meritorious Conduct – Fire and Rescue Authority Award

The Chief Fire Officer/Chief Executive (the Clerk to the Authority) submitted a report for the Authority to recognise the meritorious and commendable act of bravery of Mr Paul Stainthorpe in saving a member of the public from taking their own life.

The Authority was advised that on 27 August 2019 a member of the public entered the River Tyne from the Tyne Bridge, Newcastle. Mr Stainthorpe witnessed this whilst running along the quayside and without any due consideration for his own safety, he entered the water and performed a swimming rescue.

Mr Stainthorpe then assisted the casualty to swim to the riverside where he safely and securely held them both to the ladders on the quayside until the arrival of the emergency services.

Upon receiving the award, Mr Stainthorpe thanked the Authority for the award and commended the actions and professionalism of the firefighters and emergency services in attendance at the incident. Authority Members having applauded the actions of Mr Stainthorpe, it was:-

39. RESOLVED that:-

- (i) the Award for Meritorious Action be noted and endorsed; and
- (ii) Mr Stainthorpe be congratulated and thanked for his actions.

Declarations of Interest

The following interests were declared and the parties listed below advised that they would withdraw from the meeting prior to consideration of the report detailed:-

Item 11 – Minutes Part II of the Fire Authority meeting held on 14 October 2019 and Item 13 – The Impeller Group – Update Report

Councillor Taylor and the Chief Fire Officer declared an interest as directors of TWFRS Ltd.

ACO Baines declared an interest as a director and Chair of Impeller Assurance & Resilience Ltd

Minutes

40. RESOLVED that the minutes of the meeting of the Authority held on 14 October 2019, Part I, be confirmed and signed as a correct record.

Appointment of Independent Person

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Deputy Clerk to the Authority submitted a joint report (copy circulated) on the appointment in accordance with the Localism Act 2011, of an Independent Person whose views would be sought and taken into account in connection with complaints about members' conduct.

The Deputy Clerk highlighted that Mr Dennis Hall was appointed by the Authority on 11 December 2017 to the post of Independent Person for a period of two years, with provision for the Authority to extend the appointment on two subsequent occasions (i.e. 6 years in total). She advised that Mr Hall was also the Independent Person for Sunderland City Council and while there had been no complaints about members of the Tyne and Wear Fire and Rescue Authority to consider, Mr Hall had provided valuable input and support to the complaints process in Sunderland, which had extended his appointment for a further two year term. She therefore recommended that his period of office also be extended by this Authority.

Consideration having been given to the report, it was:-

41. RESOLVED that approval be given to extend the period of appointment of Mr Dennis Hall as Independent Person as set out in the report, for an additional period of two years from 1 December 2019.

Appointment to Disciplinary Appeals Committee 2019/2020

The Deputy Clerk to the Authority submitted a report regarding a vacancy for an ungrouped Member on the Disciplinary Appeals Committee which was required to be filled in the event a meeting was to be called.

42. RESOLVED that the appointment of Councillor Oliver to the vacancy on the Disciplinary Appeals Committee, until the next Annual Meeting of the Authority, be approved.

Announcements

At this juncture, the Chairman invited the Chief Fire Officer to provide an update to the Authority on the major fire which had occurred in Bolton, Greater Manchester over the weekend and on the Service's recent White Ribbon Accreditation.

(i) Incident in Bolton, Greater Manchester

The Chief Fire Officer reported that a large blaze had broken out at a six storey student accommodation block in Bolton. He advised that an investigation was underway into how the fire started and whether the high pressure laminate cladding on the building had been a contributory factor to spread of the fire. He added that the cladding was not the same type of cladding involved in the Grenfell Tower fire.

Authority Members were advised that in Tyne and Wear there were three buildings clad with similar materials. The Chief Fire Officer assured Members that the Fire Safety Teams were in regular contact and with the buildings' owners to progress the removal of the cladding. In addition, regular supervisory visits were being undertaken to reassure the tenants of those buildings and ensure their safety. He advised that excellent progress had been made in the region in the removal of the affected cladding as initially there had been 19 buildings.

Councillor Woodward expressed concern and did not feel reassured that there were still three buildings that were not as safe and enquired what the timescale was to progress the removal of the cladding. He commented that if a fire occurred in one of these buildings it was incumbent upon the Fire Service to respond more quickly to the incident before the fire could spread.

The Chief Fire Officer reported that the tragedy of Grenfell had occurred 2½ years ago and in that time the Fire Service had visited all of the 19 properties to progress the removal of the cladding with the buildings' owners. Interim safety measures had been put in place during the process and to date three buildings remained. He advised that during this time there had not been any legislation or demand for removal put in place, nevertheless the Fire Service had been proactive and put simultaneous evacuation procedures in place to ensure the safety of the tenants.

Councillor Oliver enquired which sector and what locations the remaining three buildings were in. The Chief Fire Officer advised that the buildings were in the private rented sector and he would advise Members of the locations outside the meeting.

Councillor Stephenson referred to the report on the Grenfell Tower Inquiry later on the agenda. She commended the TWFRS for being at the forefront and diligent in assisting in removing many of the risk factors and focusing on prevention when working closely with developers. She advised that it was vitally important work and the achievements of the TWFRS in prioritising prevention should be acknowledged, when it had faced severe reductions in funding.

Councillor Haley enquired if crews and managers were being given the correct level of knowledge on protection from fire and evacuation procedures for these remaining buildings. The Chief Fire Officer assured that for each building with heightened risk factors, regular inspections were undertaken and information was fed to the firefighters on route to an incident. He advised that the Greater Manchester Fire Service had revised the risk information in relation to this different type of cladding and made other Fire Services aware. He reported that as far as he was aware there had been no casualties and all the firefighters had been safe during the incident.

Councillor Flynn was pleased to report that in the aftermath of Grenfell, South Tyneside Homes company had inspected its properties, undertaken a 24 hour turnaround of testing combustibility of cladding as well as undertaking a programme of installing sprinkler systems.

(ii) White Ribbon Accreditation

The Chief Fire Officer was pleased to report that the Tyne and Wear Fire and Rescue service had become White Ribbon Accredited. He commented that normally this process took six months to achieve.

Authority Members were advised that 25 November was White Ribbon Day and the Service was supporting the charity and would be involved in raising awareness within the Tyne and Wear community by displaying a number of fire appliances wrapped with giant white ribbons. He explained that the charity, White Ribbon UK, had been founded as part of the global movement to end male violence against women and the Accreditation programme ensured organisations took a strategic approach to ending male violence against women by engaging with men and boys, changing cultures and raising awareness. He invited Authority Members and officers to lend their support and circulated white ribbons to wear.

Ms McGuinness commended the Fire Service for their commitment to raising awareness and the showing of a united front to ending male violence against women.

Capital Programme 2019/2020 – Second Quarterly Review

The Chief Fire Officer/Chief Executive (the Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to review the current year's Capital Programme and reflect any further changes necessary to those that were presented to the Authority as a consequence of the First Capital Programme Review on 10 June 2019.

The Strategic Finance Officer in highlighting the report, drew attention to the position for 2019/2020 summarised in the table at section 2.1 of the report. He reported that this showed a decrease in the Capital Programme of £719,626 from the First Review stage to £10,464,562. The reasons for the reduction were detailed in paragraphs 2.4 to 3.3 of the report.

The attention of Authority Members was specifically drawn to the introduction of body worn cameras. The Strategic Finance Manager reported that additional equipment was required but there would be an underspend of £12,453 once the project was complete. He advised that this would be used towards financing the Site Specific Risk Information project to improve the accuracy and quality of the information held by the Service.

The Strategic Finance Manager reported that there were a number of variations to the Capital Programme where expenditure on projects had been re-profiled into different financial years to reflect the current understanding. In addition, there were some additional projects to improve security across the Service's portfolio, breathing apparatus compressors to improve the safety of firefighters and the vehicle replacement programme to take advantage of bulk purchase discounts.

The Strategic Finance Manager advised that a major review of all the finances had been undertaken in view of the reduced revenue budget contribution to the capital programme as it had not been sustainable. He cautioned that in future years, more reliance would be placed on reserves to fund the Capital Programme.

Turning to the Prudential Indicators, the Strategic Finance Manager reminded Members that the Prudential Indicators for the financial year 2019/2020 had been approved by the Authority on 18 February 2019. He advised that these indicators were regularly reviewed to ensure that:-

- The Authority remained within its Authorised Limit for External Debt and any warning signals are highlighted where there was a danger that capital investment plans were not affordable, prudent, and sustainable;
- Treasury Management decisions were taken in accordance with professional good practice; and

- The capital expenditure control framework operated locally was consistent with, and supportive of, local strategic planning, local asset management planning, and proper option appraisal.

He added that there were no issues to report.

In response to an enquiry from Councillor Butler in relation to the vehicle replacement programme, the Strategic Finance Manager explained that initially it had been the intention to replace the fleet in stages of 4 – 5 – 5 however by moving the finances around, the Authority had made savings of £300,000 by bulk buying instead.

Councillor Oliver enquired if similar savings could be made in relation to the small fleet vehicles. The Strategic Finance Manager advised that the national Crown Financial Services' framework was used to tender for small fleet vehicles as this was the most cost effective method in most cases. He assured Members that a comparison exercise would be undertaken to ensure whether value for money could be obtained by using this method or by the Authority undertaking its own tendering exercise.

Consideration having been given to the report, it was:-

43. RESOLVED that:-

- (i) the reported variations since the First Quarterly Review and the addition of the new projects be noted; and
- (ii) the revised Capital Programme for 2019/2020, as set out at Appendix A, be approved.

Revenue Budget 2019/2020 – Second Quarterly Review

The Chief Fire Officer/Chief Executive (the Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to advise of issues relating to the 2019/2020 Revenue Budget position at the half way point of the financial year.

The Strategic Finance Manager reminded Authority Members that at its meeting held on 18 February, the Authority approved the IRMP actions to dynamically adjust the distribution and availability of appliances based on risk and demand was approved for implementation by the Chief Fire Officer. He reported that this action was implemented with effect from 2nd April 2019, resulting in an in year saving of £0.746 million on employee costs.

The Strategic Finance Manager advised that the Revenue Budget for 2019/2020 had been agreed on the basis that temporary use of reserves of £0.842 million would be utilised until further budget savings could be found. He reported that it was now considered appropriate to report that the actions outlined in paragraphs 1.2, 1.3 and 1.4 of the report combined could more than address this funding gap, with the result that funds would be appropriated into Reserves. This would allow resources to be redirected to service needs and demands.

The Authority was advised that a mid-year review of contingencies had been carried out to streamline the resource for this and future years to make the revenue budget more sustainable. From this, a net in year saving of £0.880 million had been identified. Although this brought some financial risk, there was deemed to be adequate cover in reserves to deal with future situations on a one off basis and the position would be kept under review.

The Strategic Finance Manager reiterated that the review of all the finances undertaken meant that the revenue contribution to capital of £0.750 million had been reduced by £0.500 million as it had not been sustainable however this generated an in year saving. He again cautioned that in future years, more reliance would need to be placed on reserves as a result and the position would continue to be monitored.

The attention of Authority Members was drawn to a projected overall underspend of £0.888 million was projected at this half way stage in the financial year and that most of this was due to the overall underspend on the Authority's employees budget. He explained that this was largely due to the Firefighter establishment currently being significantly under budget and more Firefighters in the development stage than budgeted for, resulting in a reduction in expenditure on salaries and oncosts. He added that along with this, savings were being made on employer pension costs, arising from the impact of temporary staffing arrangements, transitional movements between pension schemes, and employees opting out of the pension scheme. He advised that it was difficult to budget for such occurrences and the report detailed a number of variances.

Councillor Samuels having enquired how long the firefighters would be classed as being in developmental stages, was advised by ACFO Baines that the period was usually three years. He explained that many of the firefighters were at the two year stage and the numbers of trainees and in-service transfers had been profiled in to allow for succession planning for future courses.

Councillor Woodward queried the reduction of the revenue contribution to capital considering the variants to the budget detailed in the appendix to the report. The Strategic Finance Manager explained that the level of contribution from reserves had been flagged up at an HMI inspection as being unsustainable and with that in mind steps had been taken to make the revenue budget become more sustainable.

Councillor Haley referred to the projected overspend of £70,000 on fuel costs and enquired if more hybrid technologies fleet vehicles could be acquired through the purchasing framework. The Strategic Finance Manager advised that there was scope to acquire hybrid vehicles however the Authority had to take into account best value at the time of purchase. He advised that fuel costs had increased and a watching brief on changes to technologies would be kept under review and would help evaluate replacement vehicles in the future. Councillor Haley added that using hybrid technologies would contribute to the Authority's carbon reduction plans.

Consideration having been given to the report, it was:-

44. RESOLVED the position with regard to the Revenue Budget for 2019/2020, as set out in the report and summarised at Appendix A, be noted.

Budget Planning Framework 2020/2021

The Chief Fire Officer/Chief Executive (the Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to set out the main considerations in drafting the Revenue Budget 2020/2021 and longer term financial planning for the Authority which included:

- Identifying the key factors influencing the development of the Authority's financial plans into the medium term and to set out specifically the Budget Planning Framework for 2020/2021;
- Providing an update on the current Medium Term Financial Strategy (MTFS) and to set out the headlines and context for the MTFS 2020/2021 to 2023/2024 which would be formally considered later in the budget cycle; and
- Setting out additional budget savings for 2019/2020 to assist in meeting the cumulative budget gap.

The Strategic Finance Manager drew attention to the MTFS 2019/2020 to 2022/2023 set out in the report which was approved by Authority in February 2019 as part of the budget setting process. He highlighted that the funding gap for the current year did not include any of the IRMP proposals reported to Authority as Members had not approved any of these actions at the time. The position had changed and the context of the planning was detailed in the table at section 2.4 of the report which now took into account all known factors at this point.

The Strategic Finance Manager explained that implementation of the IRMP action to dynamically adjust the distribution and availability of appliances based on risk and demand, which Members approved in the February Authority and was implemented on 2nd April 2019, had resulted in a saving of £0.746 million in 2019/2020. He added that a mid-year detailed review of the contingencies budget had been completed in order to streamline the resource implications for this and future years to make the revenue budget more sustainable, which had resulted in a saving of £0.880 million in 2019/2020. He cautioned that it must be recognised that some of the financial risks previously covered in contingencies would now have to be managed from reserves instead. These two actions removed the budget gap in 2019/2020 and meant the need for the Authority to use reserves to fund the budget gap had been removed in the current year.

Authority Members were advised that the spending pressures within the current MTFS had also been updated and revised to present the revised MTFS set out in the report. This review, coupled with the two actions detailed above, showed that the Authority would now make a contribution to reserves at the end of 2019/2020 and that the cumulative funding shortfall over the four year period reduced to £1.461 million. This was an improved position to that presented in February. However there remained a vast range of financial uncertainties at this time, which could impact both negatively and positively on this revised position. These factors included:-

- The Chancellor of the Exchequer's pre-election announcement that the Revenue Support Grant (RSG) was expected to reduce significantly in 2020/2021 and be replaced by higher business rates as part of the move to the revised 75% business rates retention scheme. Pending implementation of the scheme (now from 1st April 2021), RSG was being retained in 2020/2021 with an inflationary increase. The Authority's exact allocation remained to be confirmed but 2% had been used for planning purposes in the interim.
- Other Government Grants would not be confirmed until the Provisional Local Government Settlement was announced. For planning purposes, the Authority had retained all grants at the same level as for 2019/2020. This posed a further degree of risk, especially as the new Fire Pension Grant awarded last year to help address 90% of the additional cost of the firefighter pension funding shortfall due to changes to the pension discount rate and other factors, was worth almost £2.6 million to the Authority in the current year. A loss or reduction in this grant would have a material impact on the Revenue Budget for 2020/21 and beyond.
- Introduction of the Government's Fair Funding Review from 2021/22
- Limits on Council Tax increases and changes to retained Business Rates.
- The General Election called for 12 December 2019 and the effects of Brexit added additional layers of uncertainty to the economy and to the prospective level of public sector resources.

The Strategic Finance Manager reported that the Local Government Finance Act 1992 requires local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating its budget requirement each year. He explained that in accordance with the approach adopted to date, all earmarked reserves would be revisited and fully reviewed as part of the budget process to ensure they still accorded with the Authority's priorities and overall funding position. A revised outlook would form part of the Revenue Budget position reported to Members in February 2020.

The Strategic Finance Manager also reported the Authority must also plan for a range of spending pressures and commitments that are not funded by Government such as pay and pensions as well as the National Living Wage and energy prices. He advised that a specific grant of £2.6 million was allocated for 2019/2020 to fund the increased rate in the Firefighters' Pension Scheme, but the future of this grant funding was unknown until the outcome of the Spending Review 2020. He explained that provision had been made in the budget and the MTFS for future years but, should this grant not continue, the Authority would then face a significant additional budget pressure of £2.6 million. He drew attention to the provisional position of the MTFS detailed in the report and emphasised that there were currently so many factors that could materially change the outcome. An updated position would be provided to Members in February 2020.

Councillor Butler enquired if there were any staff employed below the National Living Wage. The Strategic Finance Manager reported that no one was paid below National Living Wage level and advised that if the level increased the Service was keen to maintain that standard.

Councillor Woodward commended the work that had gone in to producing the report and recognised how difficult it was to plan the budget with the number of uncertainties and external factors which could impact on the MTFS.

Councillor Haley concurred with Councillor Woodward's comments and requested the Strategic Finance Manager to amplify the assumptions made for the next three years in relation to Council Tax and Business Rates. The Strategic Finance Manager reported that for 2021/22, the Revenue Support Grant reduces from 50% to 25% due to changes in how local government would be funded. He commented that it was difficult to predict the outcome of the Fair Funding Review to know if the funding would be better or worse than expected. He explained that the funding would be apportioned with Business Rates retention funding once this was fully understood.

Consideration having been given to the report, it was:-

45. RESOLVED that:-

- (i) the contents of the report and the estimated 'fluid' funding gap based on the most up to date information, be noted;
- (ii) the proposed Budget Planning Framework summarised at Section 9 of the report, which will guide the preparation of the Revenue Budget for 2020/2021, be approved; and
- (ii) the updated current MTFS be noted and that the full MTFS 2020/2021 to 2023/2024 be presented to Authority in February 2020.

Grenfell Tower Inquiry: Phase 1 Report

The Chief Fire Officer/Chief Executive (the Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report to provide an overview of the Grenfell Tower Inquiry Phase 1 Report, published on the 30 October 2019.

ACFO Robson reported that it was important to note that at the point of writing, a full and detailed assessment of the report and its recommendations and the potential implications these would have on the Authority had not been undertaken. These implications and associated actions would be the subject of a more detailed future report to Authority.

ACFO Robson summarised the report on the Inquiry which was based around the events that took place on the 17 June 2017, when sadly 72 people lost their lives due to an unprecedented fire which engulfed the Grenfell Tower high rise residential building in Kensington, London. He explained that this Phase 1 Inquiry focused on the factual narrative of the events on the evening, the emergency response, and the process of the recent refurbishment that had been carried out on the Tower.

Authority Members were advised that the chairman of the Inquiry, Sir Martin Moore-Bick had made a series of 16 recommendations for change in the phase one report that were summarised in section 5 of the report ranging from the use of combustible materials and testing to the preparation of response plans. Attention was drawn to the executive summary of the Inquiry report provided in Appendix A, for further detail.

ACFO Robson reported that after the Grenfell Tower fire, the Authority completed a programme of work which involved working with all high-rise residential property owners, managers and residents across the Authority area. He explained that since the incident, this activity had resulted in corrective actions similar to many of the recommendations being undertaken or already in progress. He advised that however, in light of the publication of the Inquiry recommendations, further work would be required, including working with partners and local authorities, to ensure that this risk remained as low as reasonably practicable. He added that this activity was being coordinated by the internal Operational Assurance Group that would provide further updates of the position once the full impact of the recommendations had been assessed and the corrective actions progress.

Councillor Butler commented that he felt that the criticism levelled at the London Fire Brigade had not been warranted; firefighters entered that career to save lives. Councillor Flynn agreed and hoped criminal proceedings would be taken if it came to light that the cladding used was simply to cut building costs.

Councillor Woodward explained that the criticism was not levelled at individual firefighters but rather the wider response of the London Fire Brigade and failures in communications between emergency services. He referred to a recent documentary, "Ten Steps to Grenfell," and highlighted that there were incidents, inaction and lessons that had not been learned resulting in these tragic deaths. He was concerned that two and a half years later and there was still a delay in ensuring the safety of residents.

Councillor Stephenson reported that it was certainly different reading headlines and seeing television interviews to what was being presented. She advised that Fire Authorities needed to see the whole report, not just part one, in order to consider what needed to happen next. She commented that however, she did feel heartened that the Tyne and Wear Fire Service was at the forefront of preventative measures and would continue to be despite the cuts in funding to the service. She cautioned that it was incumbent on everyone that lessons were learned from this tragedy. She emphasised that plans and processes were required to be put in place to prevent a recurrence and to protect residents, premises and the firefighters in their duties. She advised that she would reserve judgement until she had seen the full report of the Inquiry.

Councillor Oliver welcomed the report and reported that as the judicial inquiry was the highest authority, it should not be prejudiced by comments. He advised that it was essential that the truth was reported and this was Part I of the Inquiry with valuable lessons to be learned.

Consideration having been given to the report, it was:-

46. RESOLVED that:-

- (i) the contents of the report be noted; and
- (ii) further reports be submitted to the Authority as appropriate.

Local Government (Access to Information) (Variation Order) 2006

47. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to any individual or which is likely to reveal the identity of an individual or to the financial or business affairs of any particular person (including the Authority holding that information) (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

At this juncture, ACFO Baines also withdrew from the meeting in view of his declaration of interest.

(Signed) T. TAYLOR,
Chair

Note:

The above minutes comprise those relating to items of business during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.